

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY COLE and ANNIE
SHIELDS, on behalf of themselves
And all others similarly situated,

Plaintiffs,

Case No. 2:16-cv-10642

V.

Hon. Sean F. Cox

MARATHON PETROLEUM COMPANY LP,

Defendant.

**STIPULATED ORDER PROHIBITING CLAIMS FOR PERSONAL
INJURIES**

This matter, having come before the Court on the parties' stipulation, and the Court being fully advised in its premises, hereby finds and orders as follows:

1. Plaintiffs filed this action on February 22, 2016, asserting claims for nuisance (Count I), strict liability (Count II) and negligence (County III);
2. On March 8, 2016, Plaintiffs filed an Amended Class Action Complaint;
3. On October 25, 2016, the Court dismissed Plaintiffs' strict liability claim with prejudice, leaving only Plaintiffs' claims for nuisance and negligence;

4. As a result of a conference between the parties' counsel, Plaintiffs have confirmed that they are not asserting and will not assert claims of personal injuries of any nature in this action;

5. This agreement does not waive any Plaintiff's right to pursue personal injury claims in any future separate action nor Defendant's right to raise any defenses in any future separate action.

IT IS HEREBY ORDERED that Plaintiffs shall be prohibited in this action from claiming and/or pursuing any and all assertions and/or claims of personal injuries, of any kind and under any theory, for any purpose, including class certification, and shall not seek any damages for personal injuries, under any theory, as part of this action.

IT IS SO ORDERED.

Dated: May 21, 2018

s/Sean F. Cox
Honorable Sean F. Cox
United States District Judge

STIPULATED AS TO FORM AND CONTENT:

/s/ Steven J. German (with permission)
Steven J. German

/s/ Amy M. Johnston
Amy M. Johnston (P51272)

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